



***Town of Tyngsborough  
Planning Board***  
25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext 115

Tyngsborough Planning Board Meeting minutes March 2, 2006

Attachments: 1-Meeting Agenda

**Approved**

Members Present: Darryl Wickens, Chairman  
Caryn DeCarteret, Vice Chairman  
Mark Pease, Secretary  
Steve Nocco, Treasurer  
John Forti, NMCOG Liaison  
John Boardman (consulting Engineer)  
Joyce M. Harrington (clerk)

**7:00PM** – Meeting called to order by Chairman D.Wickens

**7:05PM** – Public Hearing – Special Permit T.I.L.Q. 103 Clover Hill Circle – Gerard and Kristin Burns

Chairman Wickens opened the Public Hearing and read the Legal Notice that appeared in the Lowell Sun on February 7, and February 14, 2006.

**Motion: S.Nocco** to waive the reading of the abutters list.

**Second: M.Pease**

**Carries**

The area of the T.I.L.Q. is part of a planned addition, with several items, requiring rework or clarification on the applicant's behalf.

The Board reviewed the following open items with the applicant and received the following responses from the applicants Engineer.

1. The plans should show existing and proposed parking adequate for the use, and the existing interior layout of the house, as required by section 4.15.21(2). Plans should be prepared and stamped by a registered architect unless waiver by the Board. *The applicant will supply for the next Hearing.*
2. The applicant should provide proof of ownership, a copy of the deed, as required by section 4.15.21(4). *The applicant will supply for the next Hearing.*

3. The proposed TILQ exceeds the allowed 700 square feet. (4.15.39.2) *The applicant will revise the plans.*
4. The Board should review the plans for compliance with the exit door requirements in Section 4.15.30(9). *The applicant will revise the plans.*
5. The Board may wish to see a draft of the deed restriction prior to close of the hearing. *The applicant will supply a draft of the deed restriction.*

Concern Citizens:

Tom Silva, his concerns were can this be turned into a 2-bedroom apartment, and what is a T.I.L.Q.?

The Board explained what a T.I.L.Q. is Temporary Independence Living Quarters, is primarily to allow residents to help house and care for other members of their extended families and preservation of neighborhoods.

**Motion: M.Pease** to continue the Hearing for 103 Clover Hill Circle T.I.L.Q. to March 16, @ 8:35PM

**Second: S.Nocco**

**Carries**

**8:05PM** Zoning Change 160 Pawtucket Boulevard – From Residential One (R-1) to Residential Three (R-3) Presented by Pete Nicosia – Gray Wolf Realty, LLC

The applicant is proposing a gated community 2-3 bedroom codex/home on 25 acres of this 37-acre parcel. The site will have Town water and Sewer, private trash and private landscape and maintain by the association.

Concerned Citizens:

Rudy Stoltzmann of 23 Derby Lane

Lisa Scheuplein of 49 Derby Lane

William Harvey of 267 Pawtucket Blvd

Gerald Bousquet of 18 Derby Lane

Janice Kincman of 53 Derby Lane

David Vaillancourt of 30 Derby Lane

Their concerns were as follows.

Maintain the integrity of the Land

Market Value of the new homes.

Mr. Harvey is in favor of this project he started "Beautiful project"

What would happen if R-3 was approved and this project fell thru, what could be built on this parcel? S.Nocco said a Hotel could be built.

**Motion: M.Pease** to close the Public Portion of the Hearing

**Second: C.DeCarteret**

**Carries**

**Motion: M.Pease** to recommend to the Town for Special Town Meeting, {May 14, 2006} Zoning Change for 160 Pawtucket Blvd from R-3 to R-3 map 27, Plan 56B, Lot 0  
**Second: C.DeCarteret**  
**3-Yes, 2,No**

**8:35PM** Zoning Change 160 Pawtucket Boulevard to change the pursuant to 4.12.10 of the Tyngsborough BY- Law to allow a Multi family Development Presented by Pete Nicosia

Chairman Wickens open the Public Hearing

**Motion: M.Pease** to waive the reading of the Hearing

**Second: C.DeCarteret**

**Carries**

**Motion: M.Pease** to waive the reading of the abutter's list

**Second: C.DeCarteret**

**Carries**

**Motion: M.Pease** to close the Public Portion of the Hearing.

**Second: C.DeCarteret**

**Carries**

**9:05PM** Special Permit 161-163 Westford Road – Frank Shen presented by Land Tech.

A similar but larger project was approved for this site last summer but the approval contained a condition relative to the start of Wynbrook which was since delayed. The applicant filed for a new permit with a much smaller, simpler design. The applicant also agreed to (and approval conditioned on) perform road-widening improvements on Westford Road in front of their project. This bypass will allow cars to bypass existing cars waiting to enter the project.

**Motion: M.Pease** to close the Public Portion of the Hearing for 161-163 Westford Road

**Second: S.Nocco**

**Carries:**

**Motion: M.Pease** to approve the Special Permit for 161-163 Westford Road. Plan dated June 2, 200.

IN ACCORDANCE WITH SECTION 1.16.14 OF THE ZONING BY-LAW, THE PLANNING BOARD FINDS THAT THE PROPOSED USE;

1. Is in harmony with the purpose and intent of this By-law.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place.
3. Is appropriate for the site in question.
4. Complies with all applicable requirements of this By-Law

*THE SPECIAL PERMIT APPROVAL IS CONDITIONED ON THE FOLLOWING ITEMS:*

- 1) The applicant shall provide a copy of the recorded Form 4 (Notice of Decision of Special Permit) to the Tyngsborough Planning Board.
- 2) The applicant will construct a bypass lane on the Northerly side of Westford Road. Plans for the proposed by-pass lane in front of the applicant's project be submitted to and approved by the Tyngsborough Planning Board prior to construction.
- 3) Road way improvements for Westford Road be different for 161-163 Westford Road Decision Plan dated June 2, 2005.
- 4) THE APPLICATE SHALL ADD AN EASEMENT TO SHARE EGRESS ON THE PLAN WITH WYNBROOK PROJECT.

**Second: J.Forti**

**Carries: 5-Yes, 0-No**

**9:35PM Special Permit – 72 Progress Ave Eric Gardner – presented by Polaris Engineer.**

The applicant had the following items completed. Approval and order of conditions from Conservation, and a Registered Landscape Architect plan stamped.

**Motion: M.Pease** to close the Public Portion of the Hearing for 72 Progress Ave

**Second: C.DeCarteret**

**Carries:**

**Motion: M.Pease** to approved the Special Permit for a Major Business Complex "Building Trade Shop" for 72 Progress Ave, site plan dated September 9, 2005 and revised February 27, 2006. With the following conditions.

IN ACCORDANCE WITH SECTION 1.16.14 OF THE ZONING BY-LAW, THE PLANNING BOARD FINDS THAT THE PROPOSED USE;

5. Is in harmony with the purpose and intent of this By-law.
6. Will not be detrimental or injurious to the neighborhood in which it is to take place.
7. Is appropriate for the site in question.
8. Complies with all applicable requirements of this By-Law.

*THE SPECIAL PERMIT APPROVAL IS CONDITIONED ON THE FOLLOWING ITEMS:*

1. THE APPLICANT SHALL PROVIDE A COPY OF THE RECORDED FORM 4 (NOTICE OF DECISION OF THE SPECIAL PERMIT) TO THE TYNGSBOROUGH PLANNING BOARD.

**Second:**

**Carries 5-Yes, 0-No**

**Administrative 1 Approval of Minutes:**

The Board did not approve Minutes.

**Administrative 2 Bills**

The following Bills were signed:

1. David E. Ross and Associates
2. Lowell Sun
3. W.B. Mason

**Motion: S.Nocco** to adjourn at 10:30PM

**Second: J.Forti**

**Carries**

Minutes taken and respectfully taken by  
Joyce Harrington  
Planning Board Clerk